

PEOPLE OF THE PHILIPPINES, PLAINTIFF-RESPONDENT, VS. RUFO R. MAURICIO, ACCUSED-PETITIONER.

Ponente: DACUDAO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9177ee57e7b0/>

DACUDAO, J.:

This petition for review seeks to overturn the Decision[1] rendered on July 15, 2005 by the Regional Trial Court (RTC) of Caloocan City, Branch 122, which affirmed the judgment dated August 23, 2004[2] of the Metropolitan Trial Court (MeTC) of the same City, Branch 49, in Criminal Case Nos. 217306 to 217310, finding petitioner Rufo Mauricio guilty beyond reasonable doubt of five counts of violation of Batas Pambansa Bilang 22 (or B.P. 22), otherwise known as the Bouncing Checks Law.

Also assailed is the RTC's Order issued on December 15, 2005,[3] denying petitioner's motion for reconsideration thereon.

Petitioner was indicted in separate informations for five counts of violation of B.P. 22 or the Bouncing Checks Law, for having fraudulently and feloniously issued to apply on account or for value in favor of the private complainant Adelina Martinez five checks drawn against the Philippine National Bank (or PNB), with petitioner well knowing at the time of issue that he had no sufficient funds in or credit with said bank, which checks were dishonored upon presentment thereof for being drawn against insufficient funds (DAIF), and, with intent to defraud, and despite receipt of notice of such dishonor, petitioner failed to pay the full amount of the checks within five banking days after receiving notice.

Petitioner entered a negative plea to all the charges.

As found by the MeTC, the facts are as follows:

Between April 1997 and September 1998, petitioner obtained from the private complainant several loans in the total amount of P3.1 million.

As security for the loans, petitioner issued five checks which he, however, replaced sometime in 1999, with a new set of five undated checks, and drawn against PNB-NIA Branch, which the private complainant dated as follows:

Check No.

Date of Check

Amount

0000170101

Jan. 28, 2002

P 500,000.00

0000170102

Jan. 28, 2002

P 600,000.00

0000170103

Jan. 1, 2002

P 400,000.00

0000170104

Jan. 15, 2002

P 600,000.00

0000170169

Jan. 18, 2002

P1,000,000.00

When all the checks became due, the private complainant deposited them with the Equitable PCI Bank at Sangandaan Branch, Caloocan City, but the same were dishonored for the reason “drawn against insufficient funds.”

In a letter dated March 8, 2002, the private complainant through her counsel, Atty. Generoso R. Jacinto, Jr., notified petitioner of the dishonor, and demanded that petitioner pay within five days from receipt of the letter.

In a letter reply dated March 25, 2002, petitioner through counsel requested for a reduction of the amount to be paid, and that he be allowed to pay in installment.

The private complainant and petitioner failed to reach any agreement thereon, hence, the indictment.

After due proceedings, the MeTC gave judgment[4] convicting the petitioner of the crime charged. It decreed dispositively, thus:“WHEREFORE, after a very careful consideration of the foregoing evidence, the Court finds accused Rufo R. Mauricio GUILTY beyond reasonable doubt of five (5) counts of violation of B.P. 22 charged against him and hereby sentences him to pay a Fine in the amount of two hundred thousand pesos (P200,000.00) in Crim. Case No. 217306, a Fine in the amount of two hundred thousand pesos (P200,000.00) in Crim. Case No. 217307, a Fine in the amount of two hundred thousand pesos (P200,000.00) in Crim. Case No. 217308, a Fine in the amount of two hundred thousand pesos (P200,000.00) in Crim. Case No. 217309, and a Fine of two hundred thousand pesos (P200,000.00) in Crim. Case No. 217310.

“Accused Rufo R. Mauricio is further ordered to pay complainant Adelina Martinez the total amount of three million one hundred thousand pesos (Php3,100,000.00) representing the value of the five (5) dishonored checks with interest thereon at the rate of 12% per annum from March 01, 2002 until it is fully paid and to pay the costs of this suit.

“SO ORDERED.

“August 23, 2004.

“CALOOCAN CITY, METRO MANILA.

“BELEN B. ORTIZ”

“Judge”

The MeTC postulated –

“The elements of violation of B.P. 22 are as follows:

“1. The making, drawing and issuance of any check to apply for account or for value;

“2. The subsequent dishonor of the checks by the drawee bank for insufficiency of funds or credit or dishonor for the same reason had not the drawer, without any valid cause, ordered the bank to stop payment; and

“3. The knowledge of the maker, drawer, or issuer that at the time of issue he does not have sufficient funds in or credit with the drawee bank for the payment of the check in full upon its presentment.

“Under Section 3 of B.P. Blg. 22 ‘the introduction in evidence of any unpaid and dishonored check, having the drawee’s refusal to pay, stamped or written thereon or attached thereto, with the reason therefor as aforesaid, shall be prima facie evidence of the making or issuance of said check and the due presentment to the drawee for payment and the dishonor for the reason written, stamped or attached by the drawee on such dishonored check.’

“The first and second elements of violation of BP 22 were sufficiently established by the admission of the accused that he drew and issued the check to complainant Adelina Martinez to secure the payment of the loan he received from the latter and by the presentation of the five checks in question which indicates on its face that the same were presented for payment but were dishonored due to insufficiency of funds ‘DAIF.’

“As regards the third element, Section 2 of BP 22 provides that ‘the making, drawing and issuance of a check, payment of which is refused by the drawee because of insufficient funds in or credit with such bank, when presented within ninety (90) days from the date of the check, shall be prima facie evidence of knowledge of such insufficiency of funds or credit unless such maker or drawer pays the holder thereof the amount due thereon or makes arrangement for payment in full by the drawee of such check within five (5) banking days after receiving notice that such checks has not been paid by the drawee.’

“There is a clear showing from the evidence presented by the prosecution that the accused received the notice on the dishonor of the checks in question sent to him by complainant Adelina Martinez-Cruz thru Atty. Generoso Jacinto and that despite receipt thereof, accused failed to make good the checks within the five (5) day period given him from receipt of the letter. Accused failed to rebut the presumption that he knew of the insufficiency of his funds for the payment of the checks in full upon its presentment.”

The MeTC thereafter decretally disposed of the case in the manner elsewhere quoted.

Unwilling to accept this disposition, petitioner appealed to the RTC.

In the appeal brief that he filed with that Court,[5] petitioner argued that the findings of the MeTC are unjust and inequitable, as he was not given the chance to present his side. He claimed that he would not have issued the checks had he known that he had insufficient funds in the bank; that the subject checks were replacement checks; that he and the private complainant had a verbal agreement to the effect that, before the subject checks would be encashed, he should first be informed or alerted of that fact.

But in a decision dated July 15, 2005,[6] the RTC affirmed the MeTC. The RTC's ruling:

"After a thorough review of the record and the evidence adduced by the prosecution as well as the arguments and position set forth by the prosecution and the defense, this Court finds no reversible error in the assailed decision dated August 23, 2004, rendered by the court a quo on the instant cases.

"It is undisputed that all the five (5) subject checks, which were issued by the accused-appellant herein in favor of the private complainant relative to his loans, indeed, bounced when presented/deposited in the private complainant's account with the Equitable PCI Bank, Sangandaan branch, due to insufficient funds. And it was clearly established by the prosecution that notwithstanding demand, the accused-appellant failed to make good his checks or to pay the equivalent amount thereof.

"The foregoing facts and evidence adduced by the prosecution, thus indubitably show that accused-appellant Rufo R. Mauricio is liable for the crimes charged. Section 1 of Batas Pambansa Blg 22 (BP 22) explicitly provides that 'Any person who makes or draws and issues any check to apply on account or for value, knowing at the time of issue that he does not have sufficient funds in or credit with the drawee bank for the payment of such check is subsequently dishonored by the drawee bank for insufficiency of funds or credit xxx shall be punished by imprisonment of not less than thirty (30) days but not more than (1) year or by a fine of not less than but not more than double the amount of the checks, which fine shall in no case exceed two hundred thousand pesos, or both such fine and imprisonment at the discretion of the court.'

"The gravamen of the offense punishable under B.P. Blg. 22 is the act of making or issuing a worthless check or a check that is dishonored upon its presentment for payment. The law has made the mere act of issuing a bad check *malum prohibitum* an act proscribed by the legislature for being deemed pernicious and inimical to public welfare (*People vs. Reyes*, 228 SCRA 13). Considering the rule in *mala prohibita* cases, the only inquiry is whether the law has been breached. Criminal intent becomes unnecessary where the acts are prohibited for reasons of public policy and the defenses of good faith and absence of criminal intent are unavailing.

"The maker's knowledge of the insufficiency of funds is legally presumed from the dishonor of his check for insufficiency of funds. As in the case at bar, the accused was duly informed by the private complainant about the dishonor of his checks when they were presented with the complainant's bank, thereby giving him (accused) sufficient time to avert prosecution under BP Blg. 22. Section 2 of BP Blg. 22 creates a presumption *juris tantum* that the drawer had knowledge of he insufficiency of the funds if he fails to make arrangement for the payment of the checks within five (5) days after receiving notice that the check had not been paid by the drawee bank.

"The accused's contention that the subject checks were not meant as payment but as mere evidence of indebtedness is of no moment. A check issued as an evidence of debt, though not intended for encashment, has the same effect like any other check. It is within the contemplation of section 1, BP Blg. 22 (*Cruz vs. C.A.* 233 SCRA 307).

"It is to be noted that BP Blg. 22 was enacted to prohibit under pain of penal sanctions, the making of worthless checks and putting them in circulation. It is not the non-payment of an obligation which the law punishes but the act of making and issuing a check that is dishonored upon presentment for payment (*Ibasco vs. C.A.* 26 SCRA 449).

"WHEREFORE, premises considered, there being no reversible error committed by the court a quo, the appealed decision dated August 23, 2004 is hereby **AFFIRMED IN TOTO**.

"SO ORDERED.

"CALOOCAN CITY, July 15, 2005

"(SGD.) CALIXTO O. ADRIATICO

“Judge.”

Petitioner filed a motion for reconsideration[7] of said decision, contending that his right to be informed of the nature and cause of the accusation against him had been violated; and that the prosecution failed to establish all the elements of the crime charged.

But in an Order dated December 15, 2005,[8] the RTC denied petitioner’s motion, postulating thusly –

“After a careful study of the arguments presented by the accused-appellant, this court finds the Motion For Reconsideration bereft of merit, there being no new issue raised therein, which was not passed upon in the decision sought to be reconsidered.

“Worthy to reiterate is that under Batas Pambansa Blg. 22, the offense punishable is the act of making or issuing a worthless check or a check that is dishonored upon its presentment for payment. The law has made the mere act of issuing a bad check *malum prohibitum*, an act proscribed by the legislature for being deemed pernicious and inimical to the public welfare (People vs. Roger, 228 SCRA 13). Thus, a check issued as an evidence of debt, though not intended for encashment, has the same effect like any other check. It is within the contemplation of Section 1, of the same law (Cruz vs. C.A. 233 SCRA 307). It is not the non-payment of an obligation which the said law punishes but the act of making and issuing a check that is dishonored upon presentment for payment (Ibasco vs. C.A. 26 SCRA 449).

“The accused-appellant’s contention that he was denied of his constitutional right to be informed of the nature and cause of accusation against him could not be sustained. The record clearly shows that a regular preliminary investigation was conducted on the instant case before the corresponding information was filed in Court, on the basis of the findings of probable cause against the said accused-appellant. And as categorically and sufficiently alleged in the said information, the accused was charged with the instant offense, whereby, the said accused, assisted by counsel, after having been informed of the cause and nature of the accusation against him, entered a plea of not guilty on September 21, 2003 (page 34 of the record of the case). Very clearly, therefore, the said accused-appellant was not denied of such constitutional rights.

“Contrary to the contention of the accused-appellant, the prosecution was able to establish proof beyond reasonable doubt all the elements of the crime being imputed against the accused-appellant. Thus, as revealed from the prosecution’s evidence, the subject checks were all issued by the said accused-appellant in favor of the private complainant relative to his loans from the latter. Said checks were dishonored due to insufficiency of funds, and despite demand, said accused failed to pay the equivalent amounts thereof. And Section 2, of Batas Pambansa Blg. 22 creates a presumption that the drawer had knowledge of the insufficiency of funds if he fails to make arrangement for the payment of the checks within five (5) days after receiving notice that said check had not been paid by the drawee bank. Exhibits ‘A’, ‘H-1’, ‘H-2’, ‘H-3’, and ‘H-4’, the demand letter and the corresponding registry receipts and the return card, evidently show that the said accused-appellant was duly notified about the dishonor of the subject checks, yet despite receipt thereof, said accused-appellant failed to make good his checks.

“WHEREFORE, in view of the foregoing, there being no cogent reason to reconsider the assailed decision, the instant motion for reconsideration is hereby DENIED.

“SO ORDERED.

“Caloocan City, December 15, 2005.

“(SGD.) CALIXTO O. ADRIATICO

“Judge”

Unfazed, petitioner interposed the instant petition, contending that the RTC erred in affirming his conviction for violation of B.P. 22.

The petition is untenable.

For a criminal indictment under Section 1 of B.P. 22 to prosper, the following must be present: (1) the making, drawing and issuance of any check to apply on account or for value; (2) the knowledge of the maker, drawer, or issuer that at the time of issue he did not have sufficient funds in or credit with the drawee bank for the payment of such check in full upon presentment; and (3) said check is subsequently dishonored by the drawee bank for insufficiency of funds or credit, or would have been dishonored for the same reason had not the drawer, without any valid reason, ordered the bank to stop payment.[9]

Under Section 3 of B.P. 22 the introduction in evidence of any unpaid and dishonored check, having the drawee's refusal to pay stamped or written thereon, or attached thereto, with the reason therefor as aforesaid, shall be prima facie evidence of the making or issuance of said check, and the due presentment to the drawee for payment and dishonor thereof, and that the same was properly dishonored for the reason written, stamped, or attached by the drawee on such dishonored check.

Here, the first and third elements had been sufficiently established by private complainant's testimony, by the testimony of Ms. May Imelda Leal, the service head of the depository bank (PNB), at its NIA branch, and by the checks themselves, which bore or carried the inscription of dishonor.

In regard to the second element, since knowledge involves a state of mind difficult to establish, the statute itself creates a presumption *juris tantum* that said element prima facie exists when the first and third elements of the offense are present. Needless to say, as heretofore shown, the attendance of the first and third elements had been duly established.

Pertinently, Section 2 of B.P. 22 declares that "the making, drawing and issuance of a check, payment of which is refused by the drawee because of insufficient funds in or credit with such bank, when presented within ninety (90) days from the date of the check, shall be prima facie evidence of knowledge of such insufficiency of funds or credit, unless such maker or drawer pays the holder thereof the amount due thereon, or makes arrangement for payment in full by the drawee of such check within five (5) banking days after receiving notice that such check has not been paid by the drawee."

Correlatively, settled is the rule that the presumption of knowledge of insufficiency of funds comes into play only after it is proved that the issuer or maker of the check had received a notice of dishonor; and that, within five days from receipt thereof, he failed to pay the amount of the check or to make arrangement for its payment.[10]

In this connection, it has been held that a check issued as an evidence of debt – though not intended to be presented for payment – has the same effect as an ordinary check, and would fall within the compass or ambit of B.P. 22. Indeed, B.P. 22 makes no distinction between checks issued in payment of an obligation and those issued merely to guarantee the obligation.[11]

What is more, case law teaches that the cause or reason for the issuance of a check is inconsequential in determining criminal culpability under B.P. 22. As explained in *Llamado v. Court of Appeals*:[12]

"[T]o determine the reasons for which checks are issued, or the terms and conditions for their issuance, will greatly erode the faith the public reposes in the stability and commercial value of checks as currency substitutes, and bring about havoc in trade and in banking communities."

At the risk of belaboring a point, the gravamen of the offense punished by B.P. 22 is the act of making and/or issuing a worthless check; that is, a check that is dishonored upon its presentation for payment. The mere act of issuing or making a worthless check is a *malum prohibitum*.[13]

All told, we find that the decisions of both trial courts rest upon substantially solid evidence, even as they are in accord with controlling case law rulings.

UPON THE VIEW WE TAKE OF THIS CASE, THUS, the petition at bench must be, as it hereby is, DENIED DUE COURSE and consequently DISMISSED. Costs against the accused-petitioner.

SO ORDERED.

Carandang and Perlas-Bernabe, JJ., concur.

[1] Rollo, pp. 54-56. Penned by Judge Calixtro O. Adriatico.

[2] Id., pp. 46-53. Penned by Judge Belen B. Ortiz.

[3] Id., pp. 57-58. Again penned by Judge Calixtro Adriatico.

[4] Supra, note 2.

[5] Rollo, pp. 91-106.

[6] Supra, note 1.

[7] Rollo, pp. 107-119.

[8] Supra, note 3.

[9] Yulo v. People, 452 SCRA 705, 711-712 (2005).

[10] Rico v. People, 392 SCRA 61, 72 (2002). See also Lee v. Court of Appeals, 448 SCRA 455, 471 (2005).

[11] San Pedro v. People, 387 SCRA 352, 356-357 (2002).

[12] 270 SCRA 423, 431 (1997).

[13] Llamado v. Court of Appeals, Supra.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.